



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending August 31, 1996

Quality Elevator Company Group v.DOC

Protest denied! GAO issued its decision, B-271899, today denying Quality's protest against the OAM's award of an elevator maintenance contract. Quality had argued that the Department improperly evaluated its proposal and that it conducted improper discussions. Cecilia Jones had the case.

Garza v. DOC—GSBCA 13332-COM

In this contract appeal of the denial of a construction delay claim, the bankruptcy court has approved a settlement between the trustee in bankruptcy and the Government. As soon as the resulting modification is signed by both parties, the remaining contract proceeds will be paid to the trustee. CLD issued an opinion this week concluding that the payment bond surety for Garza does not have a legal basis for demanding payment of the \$14,000 settlement amount, even if it pays the suppliers and subcontractors the amounts owed by Garza. Jeff Hughes has been handling the case.

Metro Monitoring Services, Inc. v. DOC

The second low bidder for this weather observation requirement has filed a bid protest at the GAO alleging

that the low bidder has a conflict of interest. Specifically, the protestor claims that the Government intends to award a contract to a company which is controlled or substantially owned by a Government employee. Lisa J. Obayashi has the case.

Data Capture System (DCS) 2000 Parallel Review

Fred Kopatich completed legal review of the final draft of the Solicitation, which is due to be released on August 30, and attended the last Acquisition Review Team meeting to approve the release of the RFP.

Empowerment Contracting

We have just completed the proposed guidelines for Empowerment Contracting as tasked to DOC under Executive 11305. The Executive Order provides for preferences in government contracting to qualified business to promote increased business activities in economically distressed areas. The proposed guidelines have been transmitted to OMB for their review and comment prior to their being published in the Federal Register. Ken Lechter and Jerry Walz were CLD's representatives.

Agency Protest Procedures

We reviewed the final draft of procedures, implementing some minor modifications to ensure compliance with the proposed FAR rules. The procedures propose each bureau identify one designee to handle protests for that bureau. NOAA believes more than one designee is required. This issue has delayed the final release of these procedures. Because this issue is an internal NOAA management issue, we have recommended the procedures be forwarded for management review and implementation. Catherine Shea is the CLD attorney working on this issue.

Actions Completed/Received during Period

	From 8/18/96	To 8/31/96
	Received	Completed
CENSUS	2	2
ITA	1	1
NIST	9	10
NOAA	10	11
NTIS	1	1
O/S	2	1
PTO	5	4
Total	30	30

Contract Law Division—Client Workload Period Ending 08/31/96

